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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,415	08/29/2006	Chaim Ash	7044-X06-018	4287
27317	7590	08/07/2008	EXAMINER	
Fleit Gibbons Gutman Bongini & Bianco PL 21355 EAST DIXIE HIGHWAY SUITE 115 MIAMI, FL 33180				ALSOMIRI, ISAM A
ART UNIT		PAPER NUMBER		
3662				
			MAIL DATE	DELIVERY MODE
			08/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/598,415	ASH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Isam Alsomiri	3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 August 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7,9-22 and 24-34 is/are rejected.  
 7) Claim(s) 8 and 23 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 August 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>091407; 082906</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 5, 9, 12, 22, 25, 28, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Chien US 6,512,478.**

Referring to claims 1, 12, and 25, Chien discloses in figures 2A-4A, a wireless communication system for performing measurements and positioning of objects in a given area 304, said system comprised least one field beacon 301 positioned at a target object; a central signal collector 313, comprised of at least three base beacons 305,307, and 309 assembled in a polygon design of known dimensions, wherein each base beacon communicates with each of the field beacons (figure 2A); application software, wherein said software performs measurement calculations based on communication signal characteristics between the field beacons and the base beacons of the central collector (Abstract).

Referring to claims 2-3, Chien teaches the measurements calculation method is determined according to the geometrical shape of target objects (col. 6 lines 45-50); including at least three beacons (see figure 2A).

Referring to claims 5 and 28, Chien teaches the central signal collector position is initialized by a GPS device or in relation to at least three non-coplanar field beacons (col. 3 lines 15-22).

Referring to claim 9, Chien teaches multiple central signal collectors (base stations) for increasing measurement accuracy and for expanding the range of communication reception (col. 3 lines 55-59).

Referring to claim 22, Chien teaches the objects are inventory items and the measurements calculation supports warehouse inventory management (col. 3 line 64 - col. 4 line 2).

Referring to claim 30, Chien teaches the step of relaying communication by the field beacons enabling communication between distanced beacons which are not in the communication range of the central collector (see figure 5A).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4, 6-7, 10-11, 13-14, 17-20, 24, 26-27, 29, and 33-34 are rejected**

**under 35 U.S.C. 103(a) as being unpatentable over Chien US006512478B1.**

Regarding claims 10-11, and 29, Chien does not mention creating ad hoc signal collectors. However, an ad hoc network is well known and it would have been obvious

to modify Chien's system to include creating the ad hoc network for expandable coverage.

Regarding claims 17, 19-20, and 33, it would have been obvious to use the system in surveying an area before, after, or even during a construction.

Regarding claims 4, 6-7, 13-14, 18, 24, 26-27, and 34, it is clear that all the limitations for these claims are alternatives to claims 3, 5, 12, 17, 28 and 33. It would have been obvious to one of ordinary skill in the art to use the alternative methods or means given the main concept (for example using ultrasonic signals instead of RF).

**Claims 15-16, 21, and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien US006512478B1 in view of Waddel et al US006204813B1.**

Chien teaches a tracking system (see Abstract); however is silent about generating computerized drawings of a target. Waddel teaches a similar system which tracks targets and generates computerized drawings (see col. 6 lines 36-54). It would have been obvious to modify Chien's system to including the generating step for viewing the objects and distinguishing between different objects.

#### ***Allowable Subject Matter***

Claims 8 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 2, 2008

/Isam Alsomiri/  
Primary Examiner, Art Unit 3662